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# MICHIGAN LAW REVIEW

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## NOTE AND COMMENT

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WILLARD TITUS BARBOUR.—Legal scholarship in America suffered a grievous loss in the death of Willard T. Barbour, Charles F. Southmayd Professor of Law in the Yale Law School on March 2, 1920. Indeed it is not too much to say that his loss will be felt wherever the English Common Law holds its sway, for he had dipped deep into the obscured origins of Equity Jurisdiction during his study at Oxford and in London, and was but at the beginning of a series of studies and lectures which would ultimately have developed into a comprehensive book, throwing light not only upon the beginnings of equity, but explaining much that has remained obscure in the doctrines derived from an earlier day.

Professor Barbour had been called to Yale in the fall of 1919 and had already won a place for himself there. He had just begun his series of lectures on the Carpentier foundation on the History of English Law at Columbia University when his untimely end came. As has been said in the memorial adopted by the faculty of the Michigan Law School "he stood upon the threshold of his career but the door was thrown wide open before him."

Professor Barbour held the degrees of A.B., A.M., and LL.B. from the

University of Michigan. He had won distinction as an undergraduate and as a graduate in history and a career was open to him in that field. He decided, however, to study law and in our Law School won the respect and affection of all who knew him well. After an unusually fruitful period of study at Oxford, where he laid the foundations for his work "THE HISTORY OF CONTRACT IN EARLY ENGLISH EQUITY" under Sir Paul Vinogradoff, he was called in 1912 to an assistant professorship in this Law School. Here his work was interrupted for two years by illness, but in 1914 he resumed teaching and in 1915 began carrying a full program, including the courses in Equity and the History of English Law. His unusually broad foundation, a mind acting with lightning-like rapidity and a passion for accuracy and thoroughness, together with an appealing personality, brought to him marked success from the outset. Besides the courses mentioned, he at one time gave that in Criminal Law and had been teaching Future and Conditional Interests in Property for two years before he left this School.

It will be seen that Professor Barbour's experience was almost exclusively academic in character; but it is a remarkable fact, well recognized by his colleagues, that he showed a really extraordinary aptitude for and understanding of practice and procedure and of the practical considerations in litigation. This capacity, surprising in view of the fact that he had not practiced at the bar, grew probably out of his unusually keen perceptive faculties and from his arduous experience in the Records Office in London in working out the procedure in hundreds of early English cases which none but himself had examined for centuries. This unusual combination of qualities assured for him a constantly growing measure of influence and reputation.

We sorely regretted his leaving us in the fall of 1919 to accept the flattering call from Yale University, but we rejoice that another group of law teachers besides our own had had the opportunity to know him intimately. We would not have been content to leave our good friends at Yale in easy possession of him, but wherever he might have been he would have added constantly to the achievements of legal scholarship and to the prestige and serviceableness of our profession.

This is perhaps not the place for the most intimate expression of our personal affection for the man who has gone nor an estimate of his purely personal qualities, and yet we cannot refrain utterly, for Willard Barbour possessed qualities which made him unusually interesting and stimulating as a colleague and gave to the quality of his friendship a strength and an appeal and fineness which it is not given to men to meet often in life. A very wide circle of friends among colleagues and students in three law schools mourn the loss of a brilliant scholar and teacher and a friend of unswerving loyalty, and unselfish affection.

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CONDEMNATION OF PROPERTY AGAINST USE FOR APARTMENT BUILDING.—The General Statutes of Minnesota, Supplement 1917, secs. 1639-10 to 1639-16 (Laws of 1915, c. 128) provide for the creation of restricted residence districts in cities of the first class on petition of 50 per cent of the owners of real estate therein. The City Council is given the power of eminent